

## REMARKS

Claims 1-16 are present in the above-captioned application and have been subjected to restriction under 35 U.S.C. § 121. Specifically, the Official Action avers that the following inventions are present in the claims:

Group I, Claims 1-13, drawn to a subcombination of a clip, classified in class 606, subclass 157; and

Group II, Claims 14-16, drawn to a combination claim of a clip and a clip applier, classified in class 606, subclass 142.

It is the Examiner's position that the inventions listed as Groups I and II are distinct from each other.

Furthermore, the Official Action avers that the following patentably distinct species of the claimed invention are present in the claims:

Species (a), readable on Figure 5;

Species (b), readable on Figure 7; and

Species (c), readable on Figures 8a.

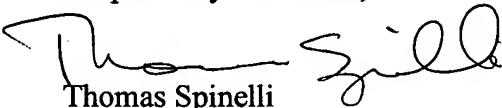
It is also the Examiner's position that the species listed as Species (a)-(c) are patentably distinct from each other and further requires an election between a means of coupling the coupling member to the wire by (1) passing the operation wire through the coupling member, (2) by welding, or (3) by cramping.

In response to the Examiner's requirements for restriction and species election, Applicant elects to prosecute the subject matter of Group I, Species (c), and subspecies (3), which is readable on claims 1-3 and 6-13. However, Applicant reserves the right under 35

U.S.C. § 121 to file one or more divisional applications directed to the non-elected subject matter in this application.

In view of the foregoing, an examination on the merits of the elected claims, at an early date, is earnestly solicited.

Respectfully submitted,

  
Thomas Spinelli  
Registration No.: 39,533

Scully, Scott, Murphy & Presser  
400 Garden City Plaza  
Garden City, New York 11530  
(516) 742-4343  
TS:cm